

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/19/2022
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
HOK CHIN, *et al.*,

Plaintiffs,

-v-

UNITED RESTAURANT GROUP, *et al.*,

Defendants.  
-----X

**TRIAL PROCEDURES  
ORDER**

18-CV-10734 (JLC)

**JAMES L. COTT, United States Magistrate Judge.**

In order to provide counsel with pertinent information about the procedures relating to the conduct of the trial, which is scheduled to commence on April 5, the Court offers the following guidelines:

1. On the first day of trial, counsel must arrive at 9:30 a.m. to Courtroom 21-D. Plaintiffs' first witness on the first trial day must be ready to testify immediately after opening statements. On any subsequent days, counsel must arrive by 9:30 a.m., unless the Court directs otherwise. Testimony will generally be taken between 9:30 a.m. and 5:00 p.m. on each trial day. There will be a lunch break generally beginning at about 1:00 p.m. and lasting until 2:00 p.m. Counsel must return to the Courtroom by 2:00 p.m. unless otherwise directed by the Court. If at any time during trial an emergency prevents counsel's prompt attendance, counsel should immediately call the courtroom at (212) 805-0121 or chambers at (212) 805-0250. Counsel should also provide their cell phone number to courtroom deputy David Tam on the first morning of the trial.

If counsel are aware or become aware of any reason why they will be unable to comply with the above schedule for the duration of the trial, they must notify the Court immediately by letter.

2. When a party's case commences, that party is expected to have witnesses available to fill the trial day as described in the preceding paragraph. Counsel are warned that if they do not have a witness available to testify at any point during the trial day, the Court may deem the party to have rested. Any additional requests to schedule a witness out of order and/or for a particular day must be made by a letter application that states the opposing party's position and that is sent (1) prior to trial and (2) as soon as counsel is aware (or should have been aware) of the limited availability of that witness. Untimely applications will be denied. Counsel

are expected to be diligent in inquiring as to the availability of all witnesses to ensure compliance with this paragraph.

3. Opening statements must be devoid of argument or discussions of the law. Each party's opening statement is limited to 15 minutes. The requirement of contemporaneous objection applies to opening statements.

4. Speaking objections are prohibited. Counsel shall say the word "objection" followed by a word or brief phrase to indicate the nature of the objection (for example, "objection, hearsay"; "objection, Rule 403"). Counsel are expected to anticipate any problems that might require a ruling from the Court and to raise those issues with the Court prior to a witness' testimony.

5. Only one counsel may question a particular witness or address the Court with respect to that witness, including making objections to opposing counsel's examination of that witness. Counsel shall question the witness either from the lectern or counsel table. If it is necessary to approach the witness or the bench, counsel shall request permission from the Court to do so. Questions to witnesses shall not summarize or repeat the witness's prior testimony.

6. Persons at the counsel tables shall not make gestures, facial expressions, or audible comments at any time during trial. Counsel are responsible for informing all persons at their table of this rule.

7. If counsel intend to distribute copies of documentary exhibits, a separate copy must be supplied for the Court, court reporter, and opposing counsel.

8. Defendants' counsel will give closing arguments first, followed by plaintiffs' counsel. No rebuttal is allowed unless plaintiffs' counsel makes an argument that defendants' counsel could not reasonably have anticipated. The requirement of contemporaneous objection applies to closing arguments. Each party's closing argument is limited to 20-25 minutes.

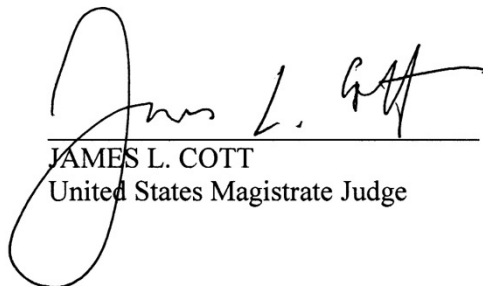
9. Counsel should make certain that they have custody of all their original exhibits during the trial.

10. Counsel must stand when addressing the Court, questioning a witness, or interposing an objection. Counsel or parties with disabilities will be excused from this requirement.

11. Any post-trial motions must be made within the time permitted by the applicable rules.

**SO ORDERED.**

Dated: January 19, 2022  
New York, New York



A handwritten signature in black ink, appearing to read "James L. Cott", is written over a horizontal line. Below the line, the text "JAMES L. COTT" and "United States Magistrate Judge" is printed.

JAMES L. COTT  
United States Magistrate Judge